

RCE/2122
ZNY

**REQUEST FOR CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Application No. 09/967,093
Filing Date September 28, 2001
First Named Inventor Brannock et al.
Art Unit 2122
Examiner Name Zhen, Wei Y.
Attorney Docket No. 42P11898

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** - Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - a. ☐ Previously submitted If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. ☐ Other _____
 - b. ☒ Enclosed
 - i. ☒ Preliminary Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☐ Information Disclosure Statement (IDS)
 - iv. ☐ Other _____
2. **Miscellaneous**
 - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(i) required)
 - b. ☐ Other _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.
 - a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666
 - i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. ☐ Processing fee under 37 CFR § 1.17(i) for Limited Suspension of Action
 - iv. ☐ Other _____
 - b. ☒ Check in the amount of \$ 790.00 enclosed
 - c. ☐ Payment by credit card (Form PTO-2038 enclosed)
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) R. Alan Burnett Registration No. (Attorney/Agent) 46,149
Signature R. Alan Burnett Date April 6, 2005

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

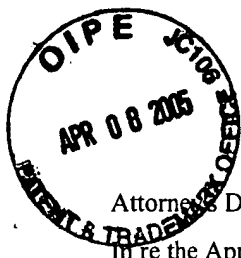
Name (Print/Type) Adrian Villarreal
Signature [Signature] Date April 6, 2005

Express Mail No. (only if applicable): _____

04/11/2005 EAREGAY1 00000033 09967093

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790.00 OP



Attorney's Docket No.: 42P11898

Patent

In re the Application of: Brannock et al.

(inventor(s))

Application No.: 09/967,093

Filed: September 28, 2001

For: METHOD FOR ATOMICALLY UPDATING A PLURALITY OF FILES

(title)

Mail Stop RCE

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

SIR: Transmitted herewith is a Preliminary Amendment for the above-referenced application.

Applicant claims small entity status. See 37 CFR 1.27.

X Additional fee is required for an RCE

Other: _____

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amd.		Highest No. Previously Paid For	Present Extra	Rate	Additional Fee	Rate	Additional Fee
Total Claims	* 29	Minus	** 29	0	X25	\$	X50	\$ 0
Indep. Claims	* 4	Minus	*** 4	0	X100	\$	X200	\$ 0
<div>First Presentation of Multiple Dependent Claim(s)</div>					+180	\$	+360	\$
					Total Add. Fee	\$	Total Add. Fee	\$ 0

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest No. Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

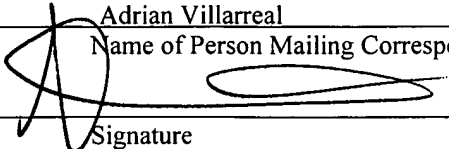
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on April 6, 2005
Date of Deposit

Adrian Villarreal

Name of Person Mailing Correspondence


Signature

April 6, 2005
Date

_____ A check in the amount of \$___ is attached for presentation of additional claim(s).
_____ Applicant(s) hereby Petition(s) for an Extension of Time of _____ month(s) pursuant to
37 C.F.R. § 1.136(a).

X _____ A check for \$ 790.00 is attached for processing fees under 37 C.F.R. § 1.17.

_____ Please charge my Deposit Account No. 02-2666 the amount of \$_____.

_____ A duplicate copy of this sheet is enclosed.

X _____ The Under Secretary of Commerce for Intellectual Property and Director of the United States
Patent and Trademark Office is hereby authorized to charge payment of the following fees associated
with this communication or credit any overpayment to Deposit Account No. 02-2666 (a duplicate copy
of this sheet is enclosed):

X _____ Any additional filing fees required under 37 C.F.R. § 1.16 for presentation of
extra claims.

X _____ Any extension or petition fees under 37 C.F.R. § 1.17.

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

Date: April 6, 2005

R. Alan Burnett
R. Alan Burnett
Reg. No. 46,149

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
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on April 6, 2005
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Adrian Villarreal
Name of Person Mailing Correspondence



[Signature]
Signature

April 6, 2005
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
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Brannock et al.)	Examiner: Zhen, Wei Y.
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Serial No. 09/967,093)	Art Unit: 2122
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Filed: September 28, 2001)	
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For: METHOD FOR ATOMICALLY)	
UPDATING A PLURALITY OF FILES)	
)	

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PRELIMINARY AMENDMENT AND REQUEST FOR RECONSIDERATION

Sir:

In connection with the Request for Continued Examination (RCE) filed herewith, the Applicants request the Examiner to enter the following amendments and to reconsider all pending claims in view of the amendment and the following remarks.